UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
v.	)	CRIMINAL NO. 09-10005-PBS
EARL F. HART	)	

MEMORANDUM OF THE DEFENDANT IN SUPPORT OF HIS
REQUEST FOR DEPARTURE AND REQUEST FOR EVIDENTIARY HEARING

The defendant submits as his Memorandum and in lieu thereof of his objection to the Presentence Report in its entirety and its inclusion of all documents in support thereof, including but not limited to, the transcribed hearings of Hector O'Brien and James Lee, the DSS records in their entirety and the Social Security disability records in their entirety. The defendant claims that the DCF records demonstrate the positive qualities of the defendant who is the sole caretaker of his minor daughter up to the time of his arrest and that the Social Security records demonstrate the defendant's mental "illnesses" in sufficient detail to be a factor under 18 U.S.C. § 3553 to justify a departure from the recommended sentences.

The Defendant
By Standby Counsel,

/s/ James B. Krasnoo
James B. Krasnoo
(BBO# 279300)
Krasnoo | Klehm LLP
23 Main Street, Suite Six
Andover, MA 01810
(978) 475-9955

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants via first class mail, postage prepaid, on January 19, 2011.

/s/ James B. Krasnoo
James B. Krasnoo